

ORDINANCE NO. 4024

AN ORDINANCE OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AMENDING SECTION 13.064, AMENDING VARIOUS SUBSECTIONS OF AND ADDING VARIOUS SUBSECTIONS TO SECTION 13.0613 AND AMENDING SECTION 13.0614 ALL OF CHAPTER 6 OF DIVISION 3 OF TITLE I OF THE SAN BERNARDINO COUNTY CODE, RELATING TO COMPENSATION AND BENEFITS OF EXEMPT AND OTHER UNREPRESENTED OFFICERS AND EMPLOYEES.

The Board of Supervisors of the County of San Bernardino, State of California, ordains as follows:

SECTION 1. Subsection 13.064(b) of the San Bernardino County Code is amended, in part for the following classifications, to read:

**13.064 List of Classifications**

**(b) Exempt Classifications**

Title	Benefit Group	Salary Effective 6/23/07	Salary Effective 6/21/08	Salary Effective 6/20/09
Exempt – Executive County Administrators				
Agricultural Commissioner/Sealer	B	\$125,566	\$131,545	\$137,525
Assistant County Administrative Officer	A	\$191,988	\$201,130	\$210,273
Assistant County Administrator, Human Services	A	\$191,988	\$196,559	\$196,559
Assistant County Administrator, PSSG	A	\$191,988	\$196,559	\$196,559
Chief Probation Officer	B	\$156,744	\$164,208	\$164,208
Clerk of the Board of Supervisors	B	\$126,397	\$132,416	\$132,416
Director of Aging and Adult Services	B	\$133,673	\$133,673	\$133,673
Director of Behavioral Health	B	\$162,344	\$170,075	\$177,805
Director of Child Support	B	\$149,982	\$157,124	\$157,124
Director of Children's Services	B	\$149,982	\$157,124	\$157,124
Director of County Museum	B	\$123,402	\$123,402	\$123,402
Director of Facilities Management	B	\$123,402	\$123,402	\$123,402
Director of Fleet Management	B	\$123,402	\$123,402	\$123,402
Director of Human Resources	A	\$178,757	\$178,757	\$178,757

Director of Preschool Services	B	\$133,673	\$133,673	\$133,673
Director of Public Works	B	\$176,891	\$181,104	\$181,104
Director of Real Estate Services	B	\$123,402	\$123,402	\$123,402
Director of Transitional Assistance	B	\$149,982	\$153,553	\$153,553
Director of Veteran's Affairs	B	\$123,402	\$123,402	\$123,402
Director of Workforce Development	B	\$123,402	\$123,402	\$123,402
Economic Development Administrator	B	\$153,349	\$153,349	\$153,349
Executive Director/Chief Investment Officer, SBCERA	A	\$227,245	\$227,245	\$227,245
Public Defender	B	\$186,036	\$190,465	\$190,465
Registrar of Voters	B	\$130,358	\$136,566	\$142,773
Exempt – Associate County Administrators				
Administrative Analyst III	C	73	73	73
Assistant Agricultural Commissioner/Sealer	C	71	73	75
Assistant Director of Behavioral Health	C	84	86	86
Assistant Director of Child Support	C	84	85	85
Assistant Registrar of Voters	C	76	78	78
Assistant Sheriff	C	91	93	93
Associate Administrative Officer	B	89	89	89
BOS Administrative Analyst	B	73	73	73
Chief Assistant County Counsel	B	98	98	98
Chief Counsel, SBCERA	B	98	98	98
Chief Deputy Clerk of the Board of Supervisors	C	69	71	73
Chief of Animal Care and Control	C	80	80	80
Chief of District Attorney's Administration	C	72	73	73
Child Support Chief Attorney	C	86	87	87
Children's Network Officer	C	69	69	69
Contracts and Compliance Officer	C	75	75	75
Deputy Administrative Officer	B	85	85	85
Deputy Director of Alcohol and Drug Abuse Programs	C	81	83	83
Deputy Director, Behavioral Health Program Services	C	81	83	83
Deputy Director, Behavioral Health Quality Management	C	81	83	83
Deputy Director, Child Support	C	73	73	73
Deputy Director, Children's Services	C	73	73	73
Deputy Director, DAAS	C	73	73	73
Deputy Director, Preschool Services	C	73	73	73
Deputy Director, Program Development	C	73	73	73
Deputy Director, Regional Parks	C	73	75	77
Deputy Director, Transitional Assistance	C	73	73	73
District Attorney Chief Investigator	C	85	87	89
District Attorney Assistant Chief Investigator	C	81	83	83
Employee Relations Chief	C	80	80	80
HSS Program Integrity Division Chief	C	73	73	73
Human Resources Analyst I	D	60	60	60
Human Resources Analyst III	C	71	71	71
Human Resources Division Chief	C	79	80	80

Labor Negotiator	C	80	80	80
Payroll Supervisor	C	68	68	68
Principal Administrative Analyst	C	77	77	77
Principal Assistant County Counsel	B	92	92	92
Public Health Chief Financial Officer	C	82	82	82
Sheriff's Administrative Manager	C	72	73	73
Sheriff's Captain	C	81	82	82
Sheriff's Deputy Chief	C	86	88	88
Sheriff's Financial Manager	C	72	73	73
Special Assistant Deputy District Attorney	C	88	88	88
Supervising Deputy County Counsel	C	90	90	90
Undersheriff	B	96	98	98
Victim Services Chief	C	69	71	71
Exempt – Executive Assistants				
Executive Secretary III (Classified)	D	50	50	50
Executive Secretary III (Unclassified)	C	50	50	50
Executive Secretary, Board of Supervisors	C	52	52	52
Secretary, Civil Service Commission	D	45	45	45

SECTION 2. Subsection 13.0613(e)(1)(J) of the San Bernardino County Code is amended, to read:

**13.0613 Exempt Group Working Conditions.**

(e) Leave Provisions.

(1) Sick Leave.

(J) Sick Leave Conversion. Employees who hold regular positions in the County service and who have contributed to the San Bernardino County Employees' Retirement Association (SBCERA) retirement system or other public entity retirement system for more than five (5) years and have not withdrawn the contributions from the system(s), and who separate from County service for reasons other than death or disability retirement shall receive compensation in accordance with the provisions of the Retirement Medical Trust Fund.

For employees with five (5) years of continuous service from date of hire in a regular position, upon death, the estate of a deceased employee will be paid for unused sick leave balances according to the following formula:

<b>Sick Leave Balance as of Date of Separation</b>	<b>Cash Payment % of Hours of Sick Leave Balance</b>
480 hours or less	30%
481 to 600 hours	35%
601 to 720 hours	40%
721 to 840 hours	45%
841 to 1000 hours	50%

Employees who receive a disability retirement due to permanent incapacity to work shall be entitled to one hundred percent (100%) cash payment of any unused sick leave balances, up to a maximum of one thousand (1000) hours, computed at the then current base hourly rate, if they elect an early retirement in lieu of exhausting such accrued sick leave balances. In no event shall any employee, except those receiving a disability retirement, receive compensation under this subsection in excess of five hundred (500) hours of pay computed at the then current base hourly rate of said employee.

While employed by the County, employees who have contributed to a public sector retirement(s) for over five (5) years and have not withdrawn the contribution from the system(s) may exchange accrued sick leave hours in excess of two hundred (200) hours for vacation time on the following basis:

<b>Sick Leave Balance at Time of Conversion</b>	<b>Sick Leave to Vacation Leave Conversion Ratio</b>
201 to 599 hours	3 sick hours to 1 hour vacation
600 to 799 hours	2.5 sick hours to 1 hour vacation
800 or more hours	2 sick hours to 1 hour vacation

Any such exchange must be made in ten (10) hour increments of accrued sick leave under the procedures established by the Director of Human Resources. Employees may elect this exchange once per calendar year.

1                   SECTION 3. Subsection 13.0613(i)(4) of the San Bernardino County  
2 Code is amended, to read:

3  
4       **13.0613       Exempt Group Working Conditions.**

5                   (i)(4) Retirement Medical Trust Fund. A Retirement Medical Trust Fund  
6 has been established for Exempt Employees with ten (10) or more years of  
7 participation in the San Bernardino County Employees' Retirement Association  
8 (SBCERA) and elected officials. Effective June 23, 2007, Exempt employees with five  
9 (5) or more years of participation in SBCERA are eligible to participate in the Trust.  
10 Participation in other public sector retirement systems may also be counted towards  
11 the service requirement provided that the employee has not withdrawn their  
12 contributions from the system(s) and the employee is also a participant in SBCERA.  
13 Employees who wish to receive credit for participation in other public retirement  
14 systems must provide the Plan Administrator written evidence of participation and that  
15 contributions made to the system(s) have not been withdrawn.

16                  The Trust is administered by a Board of Trustees, who manages resources of  
17 the Trust and who determines applicable administrative fees for managing the Trust  
18 Fund. The Trustees will insure that payments of qualified medical expenses incurred  
19 by retirees or their eligible dependents will be appropriately reimbursed. The Trust will  
20 establish individual accounts for each participant's individual account. All of the  
21 contributions to the Trust Fund will be treated for tax purposes as employer, non-  
22 elective contributions resulting in tax-free contributions for the County. All of the  
23 distributions from the Trust Fund made to retirees or their eligible dependents for the  
24 reimbursement of qualified medical expenses as defined by the Internal Revenue  
25 Codes (including medical insurance payments) will also be non-taxable to the retiree's  
26 eligible dependent(s). Effective June 23, 2007, the County will contribute one percent  
27 (1%) of an eligible employee's biweekly salary or an elected official's biweekly salary  
28 to the Trust.

1 At separation from County service for reasons other than death or disability  
2 retirement, all eligible employees will be required to contribute the cash value of their  
3 unused sick leave balances to the Trust, at the rate of seventy-five percent (75%) of  
4 the cash value of the employee's unused sick leave hours, up to a maximum of  
5 fourteen hundred (1,400) hours.

6 Employees retiring from the County with a disability retirement are not eligible  
7 to contribute the cash value of their unused sick leave balances to the Trust. Those  
8 employees will be compensated for their unused sick leave in accordance with  
9 subsection 13.0613(e)(1)(J).

10 The Trust is a Voluntary Employee Benefit Association (VEBA) and will comply  
11 with all the provisions of Section 501(c)(9) of the Internal Revenue Code.

12  
13 SECTION 4. Subsection 13.0613(l)(2) of the San Bernardino County  
14 Code is amended, to read:

15  
16 **13.0613 Exempt Group Working Conditions.**

17 (l) Automobiles.

18 (2) Effective June 23, 2007, all elected officials and all County  
19 employees in benefit groups A and B, Assistant Sheriffs and Sheriff's Deputy Chiefs  
20 shall receive a biweekly automobile allowance in the amount of four hundred sixty-  
21 one dollars and fifty-four cents (\$461.54) with no mileage reimbursement, provided  
22 they are not assigned a County vehicle and they provide a private vehicle for their  
23 own use on County business. The First District Supervisor shall receive a fifty  
24 percent (50%) addition to the biweekly amount provided to elected officials.  
25 Employees selecting this allowance shall be required to have a vehicle available at all  
26 times for use on County business. This allowance shall be considered complete  
27 reimbursement for the acquisition, insurance, maintenance, repair, upkeep, fuel, and  
28 all other costs for the required vehicle. This automobile allowance provision shall not



1 apply to elected officials who do not have a deduction from their compensation  
2 pursuant to subsection 13.0613(l)(1) as a result of being assigned a County vehicle.

3  
4 SECTION 5. Subsection 13.0613(w) of the San Bernardino County  
5 Code is amended, to read:

6  
7 **13.0613 Exempt Group Working Conditions.**

8 (w) County Counsel Legal Service Classification.

9 (1) APPLICATION. This section shall apply to all Deputy  
10 County Counsel classifications.

11 (2) SERVICE. The term "service" means service which the  
12 appointing authority finds to be "good" or "superior" in work performance and conduct.

13 (3) HIRING. With the approval of the County Administrative  
14 Officer, experienced attorneys may be hired in a classification and at a variable  
15 entrance rate commensurate with demonstrated experience, ability, and the needs of  
16 the County. Attorneys without experience may be hired as Deputy I's at the  
17 appropriate entrance step of the applicable salary range as shown in Section  
18 13.064(b).

19 (4) DEPUTY I. Upon completion of 1,040 hours of service, an  
20 attorney holding a Deputy I position shall be advanced to two (2) steps within the  
21 applicable salary range. After an additional 1,040 hours of service, such deputy shall  
22 be promoted to a Deputy II classification. The Deputy shall be terminated if it is found  
23 that such promotion is not merited. An attorney hired as a Deputy I at some step other  
24 than step 1 because of experience, ability, or needs of the County may, after 1,040  
25 hours of service, be promoted to a Deputy II classification upon the recommendation  
26 of the appointing authority.  
27  
28

1 (5) DEPUTY II. After a period of not less than 1,040 hours of  
2 service nor more than 2,080 hours of service in the Deputy II classification, an  
3 attorney shall be advanced from step 1 to the step 3 of such classification. After a like  
4 period of service on step 3, the Deputy shall be advanced to step 5. After a like period  
5 of service on step 5, the Deputy shall be promoted to a Deputy III classification, or the  
6 Deputy shall be terminated if it is found that such promotion is not merited after 2,080  
7 hours of service on step 5.

8 (6) DEPUTY III. After a period of not less than 1,040 hours of  
9 service nor more than 2080 hours of service in a Deputy III classification, an attorney  
10 shall be advanced from step 1 to step 3 of such classification. After a like period of  
11 service on step 3, the Deputy shall be advanced to step 5. After a like period of  
12 service on step 5, an attorney shall be promoted to a Deputy IV classification,  
13 commencing on step 5 of the applicable salary range or the salary step which  
14 approximates a 10% increase, or the Deputy shall be terminated if it is found that such  
15 promotion is not merited after 2,080 hours of service on step 5.

16 (7) DEPUTY IV. After a period of not less than 1,040 hours of  
17 service nor more than 2,080 hours of service on step 5 of the salary range applicable  
18 to the Deputy IV classification, an attorney shall be advanced to step 7. After a like  
19 period of service on step 7, the Deputy shall be advanced to step 9. After a like period  
20 of service on step 9, the Deputy shall be advanced to step 11.

21 (8) Attorneys shall be on probation for the entire time of  
22 service below the Deputy IV level. An attorney hired as a new employee in the Deputy  
23 III or Deputy IV classification shall serve a combined probationary and training period  
24 of 2,080 hours of service. Those promoted to Deputy IV from Deputy III shall  
25 immediately acquire regular status in the higher classification. An attorney hired at  
26 other than the beginning step of the Deputy I, II, or III level step shall spend the same  
27 amount of time at these levels as those hired at the beginning step.  
28



1 (9) DEPUTY COUNTY COUNSEL V. A Deputy County  
2 Counsel IV at the top step of the Deputy County Counsel IV level may be promoted to  
3 a Deputy County Counsel V. Eligibility for promotion to Deputy V shall be pursuant to  
4 criteria approved by the appointing authority. Employees promoted to Deputy County  
5 Counsel V shall not obtain regular status as a Deputy County Counsel V as such  
6 employee shall serve in a probationary status for the duration of the appointment as a  
7 Deputy County Counsel V and may be removed from a Deputy County Counsel V  
8 classification by the appointing authority at any time without any right to review or  
9 appeal. Additionally, there shall be an annual review by the appointing authority of the  
10 performance of each Deputy County Counsel V, and it shall be discretionary with the  
11 appointing authority whether to continue each employee's Deputy County Counsel V  
12 status. An employee who is removed as a Deputy County Counsel V shall be  
13 returned to a Deputy IV status.

14 (10) EXCEPTIONAL SERVICE. An additional two (2) range  
15 increase or an additional four (4) range increase in salary may be paid to attorneys for  
16 outstanding ability or work for a period not to exceed 2080 hours if such increase is:  
17 (1) jointly recommended by the appointing authority and the County Administrative  
18 Officer, and (2) approved by the Board of Supervisors. Such additional compensation  
19 may be renewed each year and shall be designated Exceptional Service  
20 Compensation. Employees in the classification of Deputy County Counsel V shall not  
21 be eligible for compensation under this subsection.

22 (11) REMOVAL FROM OPERATION OF SECTION. Upon  
23 request of the appointing authority and the approval of the Civil Service Commission,  
24 an attorney may be removed from the operation of this section.

25 (12) The County Counsel Paralegal classification shall serve a  
26 probationary period of 2,080 hours of service.  
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1           SECTION 6. Subsection 13.0613(y)(6) of Chapter 6 of Division 3 of Title 1 of  
2 the San Bernardino County Code is added, to read:

3  
4       **13.0613       Exempt Group Working Conditions.**

5                   (y)     Additional Benefits for the County Administrative Officer.

6                   (6)     Effective June 23, 2007, the County Administrative Officer  
7 shall have the amount of five hundred ninety-six dollars and fifteen cents (\$596.15)  
8 contributed by the County on his behalf on a biweekly basis to the County's Section  
9 457 Deferred Compensation Plan.

10  
11           SECTION 7. Subsection 13.0613(aa) of Chapter 6 of Division 3 or Title I  
12 of the San Bernardino County Code is added, to read:

13       **13.0613       Exempt Group Working Conditions.**

14                   (aa) Portable Communication Device Allowance.   Effective June 23,  
15 2007, all elected officials and all County employees in benefit groups A and B shall  
16 receive a biweekly portable communication device allowance in the amount of ninety-  
17 two dollars and thirty-one cents (\$92.31), if the following conditions are met: (1) The  
18 employee shall purchase a portable communication device capable of sending and  
19 receiving cellular telephone calls, and if approved by the appointing authority, capable  
20 of sending and receiving e-mails to and from the County e-mail system. (2) Any  
21 portable communication device to be utilized for sending and receiving e-mail shall be  
22 selected from a list as approved by the Information Services Department, which will be  
23 limited to devices utilizing Windows Mobile 5 or greater. (3) An employee may  
24 purchase a device currently in use at a cost to be determined by the Information  
25 Services Department. (4) The County shall pay for any license and set up expense for  
26 the device if any, and the employee shall pay for the equipment and monthly voice  
27 and data plans.

SECTION 8. Subsection 13.0613(bb) of Chapter 6 of Division 3 of Title I of the San Bernardino County Code is added, to read:

**13.0613 Exempt Group Working Conditions.**

(bb) Probationary Period. Unless a longer probationary period is otherwise provided, all classified employees in the Exempt group shall serve a probationary period of one year.

SECTION 9. Subsection 13.0613(cc) of Chapter 6 of Division 3 of Title I of the San Bernardino County Code is added, to read:

**13.0613 Exempt Group Working Conditions.**

(cc) HRO II-ARMC Differential. The Human Resources Officer II assigned to the Arrowhead Regional Medical Center shall receive a differential of five (5) percent of base salary.

SECTION 10. Subsection 13.0614(b) of the San Bernardino County Code is amended, to read:

**13.0614 Elected Officials.**

(b) Benefits. Notwithstanding any other provisions of the County Code, elected officials shall receive the same benefits provided to group A Exempt employees in Section 13.0613(d), 13.0613(h), 13.0613(i), 13.0613(l) and 13.0613(n).

In lieu of other benefits provided to Exempt employees, elected officials covered by this subsection shall have the amount of five hundred ninety-six dollars and fifteen cents (\$596.15) contributed by the County on their behalf on a biweekly basis to either (1) the County's Section 457 Deferred Compensation Plan, or (2) the County's 401(a) Defined Contribution Plan. Such contribution shall be made only to the extent permitted by law for deferrals.

Notwithstanding any other provision of the County Code, the County will provide to elected officials a biweekly amount sufficient to fully pay for the health insurance coverage selected by the elected official, as provided by any of the County sponsored health plans. Elected officials shall not receive the Medical Premium Subsidy.

SECTION 11. This ordinance shall take effect immediately upon adoption pursuant to the provisions of Government Code section 25123.

PAUL BIANE, Chairman  
Board of supervisors

SIGNED AND CERTIFIED THAT A COPY OF  
THIS DOCUMENT HAS BEEN DELIVERED  
TO THE CHAIRMAN OF THE BOARD

DENA M. SMITH, Clerk of the  
Board of Supervisors

STATE OF CALIFORNIA )  
COUNTY OF SAN BERNARDINO ) ss.

I, DENA M. SMITH, Clerk of the Board of Supervisors of the County of San Bernardino, State of California, hereby certify that at a regular meeting of the Board of Supervisors of said County and State, held on the 26<sup>th</sup> day of June, 2007, at which meeting were present Supervisors: Mitzelfelt, Biane, Hansberger, Ovitt, Gonzales. and the Clerk, the foregoing ordinance was passed and adopted by the following vote, to wit:

AYES: SUPERVISORS: Biane, Ovitt, Gonzales  
NOES: SUPERVISORS: Mitzelfelt, Hansberger  
ABSENT: SUPERVISORS: None

1 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official  
2 seal of the Board of Supervisors this 26th day of June, 2007.

3  
4 DENA M. SMITH, Clerk of the Board of  
Supervisors of the County of San  
5 Bernardino, State of California

6  
7 Deputy

8 APPROVED AS TO FORM:  
9 RUTH E. STRINGER  
County Counsel

10 By:

Deputy County Counsel

11 Date: